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April 12, 2005

VIA FACSIMILE

To: Examiner Kin C. Wong
Group Art Unit No. 2651
U.S.P.T.O.

Facsimile No.: (703) 872-9306

From: James N. Dresser

Facsimile No.: (703) 761-2375 or 76


Re: Enclosed Third Request for Withdrawal of Finality of
Rejection, Amendment under 37 C.F.R. §1.116, Notice of
Appeal and Three-month Extension of Time
U.S. Patent Application Serial No. 09/839,539
Our Reference: FUJI.004

Dear Examiner Wong:

Enclosed is a Third Request for Withdrawal of Finality of Rejection, Notice of Appeal and Amendment under 37 C.F.R. §1.116, which is responsive to the October 12, 2004 Office Action, which should place the above-referenced case in condition for allowance.

Thank you in advance for your consideration on this case.

Very truly yours,



James N. Dresser

JND/kks
Enclosure

Total No. of Pages Transmitted: 25

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES (Large Entity)**Docket No.
PU01-0171

In Re Application Of: Kaneko, et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/839,539	April 23, 2001	Wong, Kin C.	21254	2651	2127

Invention: DISK DRIVE

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COMMISSIONER FOR PATENTS:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated October 12, 2004 finally rejecting Claim(s) 1-9, 11-15, and 17-24.

The fee for this Notice of Appeal is: \$500.00

- ☐ A check in the amount of the fee is enclosed.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0481
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

 Reg. # 34,386
Signature

Dated: April 12, 2005

James N. Dresser, Esq.
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence


P13LARGE/REV08

CC:

Serial No. 09/839,539
Docket No.
PU01-0171
FUJI.004

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that I am filing this Third Request for Withdrawal of Finality of Rejection, Amendment Under 37 C.F.R. §1.116 and Three-month Extension of Time by facsimile with the United States Patent and Trademark Office to Examiner Kin C. Wong, Group Art Unit 2651 at fax number (703) 872-9306 this 12th day of April 2005.


James N. Dresser
Registration No. 22,973